

# **Former Archbishop Philip Wilson's Lawyers Say Forcing A Child Into A Sex Act Wasn't Indecent Assault In The 1970s**

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Lawyers appealing former archbishop of Adelaide Philip Wilson's conviction for covering up child abuse have argued that convincing a child to perform a sex act did not constitute indecent assault in the 1970s.

by [Ben Millington](#)

Wilson was [convicted in May](#) of concealing the indecent assault of a boy by paedophile priest Jim Fletcher in the Hunter region of NSW.

The court found that in 1976 the victim confided in Wilson that he had been sexually abused, yet Wilson failed to report it to police when Fletcher was charged with other child sex offences in 2004.



*Philip Wilson was found guilty of covering up abuse by priest Jim Fletcher*

Wilson is [currently serving](#) a **minimum sentence of six months' home detention**, but is persisting with an appeal of his conviction.

On Tuesday in the District Court in Newcastle the defence argued that Wilson could not be convicted of concealing indecent assault, because the sex act described under 1970s law was an act of indecency and not an assault.

Wilson's defence barrister Stephen Odgers SC said "unattractive as it is, there is no indecent assault" when you invite a child to perform a sex act.

**"Under the law there is no assault in those circumstances," he said.**

The victim of the assault, Peter Creigh, has previously given evidence that he was "made" and "forced" to perform sex acts on Fletcher as a form of punishment while serving as an altar boy.

Mr Odgers argued this did not necessarily constitute assault in the 1970s.

But Newcastle District Court Judge Roy Ellis said that regardless of whether there was an application of force, the sex acts described would be deemed as assault even by the limited legal standards of the 1970s.

"I don't think, in this case, that this is going to be a problem for the prosecution," he told crown prosecutor Helen Roberts.

"You have some problems, but this isn't one of them."

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Within its appeal the defence also argued Wilson may not have remembered the information in 2004, he may not have known the information could have assisted police and that he may have had a reasonable excuse not to come forward with the information.

The prosecution will finish giving its submissions on Wednesday and Judge Ellis said he expected to deliver his verdict next Tuesday or Wednesday, at which time Wilson would be required to attend.

